

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA

- v. -

VITALY FARGESEN,  
Defendant.

: CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
MONEY JUDGMENT  
: S2 21 Cr. 602 (LAP)

----- x

WHEREAS, on or about October 10, 2023 VITALY FARGESEN (the “Defendant”), was charged in an Information, S2 21 Cr. 602 (LAP) (the “Information”), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); and conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 371 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, including but not limited to a sum of money in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information that the Defendant personally obtained;

WHEREAS, on or about October 10, 2023, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C)

and Title 28, United States Code, Section 2461, a sum of money in United States currency representing proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,733,000 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant Igor Palatnik (“Palatnik”) the extent a forfeiture money judgment is entered against Palatnik in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Sarah Mortazavi, Adam Hobson, and Margaret Graham, of counsel, and the Defendant and his counsel, Steven Brill, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$1,733,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Count One and Two of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with Palatnik, to the extent a forfeiture money judgment is entered against Palatnik in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant VITALY FARGESEN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

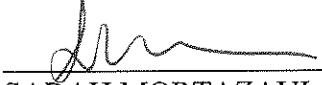
6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:   
SARAH MORTAZAVI  
ADAM S. HOBSON  
MARGARAET GRAHAM  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2484/2923

7/10/24  
DATE

VITALY FARGESSEN

By:   
VITALY FARGESSEN

7/10/24  
DATE

By:   
STEVEN BRILL, ESQ.  
Attorney for Defendant  
110 East 59<sup>th</sup> Street, Floor 23  
New York, New York 10022

7/10/24  
DATE

SO ORDERED:

  
HONORABLE LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

7/10/24  
DATE